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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,929	01/16/2004	Jerome H. Simon	04870-P32 US	6523
26486 7590 10/30/2008 BURNS & LEVINSON, LLP 125 SUMMER STREET BOSTON, MA 02110				
EXAMINER				
LEE, Y'MY QUACH				
ART UNIT		PAPER NUMBER		
2885				
MAIL DATE		DELIVERY MODE		
10/30/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/758,929

Applicant(s)

SIMON, JEROME H.

Examiner

Y M. Lee

Art Unit

2885

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-27 and 30-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19, 31 and 32 is/are rejected.
- 7) ☒ Claim(s) 20-27, 30 and 33-35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed July 25, 2008 have been fully considered but they are not persuasive. Applicant states that Muller does not make references to ring lenses with the individual lens are not canted in section and do not project canted radial beams. These are not found persuasive, applicant's attention is directed to drawing figure 3, a plurality of lenses 23 to 28 are combined to form a ring lens, and the portion of this ring lens such as the lens 24 or 25 or 27 or 28 is deviated at an angle from a vertical plane therefore is canted in section, and the beams projected by these lenses are canted radial beams in view of the beams as shown in figure 4 are deviated at an angle from a horizontal plane. Applicant also states that the individual beams projected substantially parallel not canted to the mounting of the light source and there is no mention of the light sources mounted to a plane. It should be noted that the features upon which applicant relies (i.e., the beam canted to the mounting of the light source) is not recited in the claims. It should also be noted that the light sources inherently be mounted to a plane since the light sources are unable to support itself in the air. Besides, applicant's attention is directed to figure 4 of Muller, it appears that the plane is the surface of the horizontal flat plate between the objects 41 and 43 where the light sources are mounted. The language as claimed does not structurally define over what is shown in Muller. Accordingly, rejection of claims 19, 31 and 32 follows.

Specification

2. The disclosure is objected to because of the following informalities: In the amendment of July 25, 2008, page 2, the replaced fourth full paragraph of page 10, line 3, there is a typographical error such as the term "adn". In the amendment of July 25, 2008, pages 2 to 3, the new paragraph after the fourth full paragraph of page 10, line 5, the representation "CPE" is inaccurate and should be changed to --CPU-- in accordance to the newly added drawing figure 9d. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 19, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller.

Muller discloses multiple light emitting elements (20, 21, 22) arranged on a plane (figures 3, 4) in a geometric pattern, a plurality of ring lenses (each ring lens corresponding to each light emitting element and comprised of 23, 24, 25, 26, 27, 28), at least a portion (23 or 24 or 25 or 26 or 27 or 28) of each ring lens at least partially surrounding a corresponding light emitting element, and a portion (24 or 25 or 27 or 28) of each ring lens being canted in section (figures 3, 7, the lens 24 or 25 or 27 or 28 is deviated at an angle from a vertical plane and therefore is canted) for providing a canted radial beam at an angle to the plane on which the light emitting elements are arranged (figure 4, the radial beams are not perfectly straight or parallel to the plane, the radial beams as shown are deviated at an angle from the horizontal plane). However, Muller does not disclose that the light emitting elements are light emitting diodes.

Note that it is known that incandescent and light emitting diode light sources are interchangeable or can also be used in combination. It would have been obvious to one skilled in the art to which the subject matter pertains to use the light emitting diodes in place of the light emitting sources of Muller to not only enhance reliability and longevity of the light sources but also to reduce power consumption.

5. Claims 20 to 27, 30 and 33 to 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 571-272-2373. The examiner can normally be reached on Monday to Thursday from 8:30 am to 2:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service 571-272-2815.

Y. Q.
October 26, 2008

/Y M. Lee/
Primary Examiner, Art Unit 2885